

# THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS  
MASSACHUSETTS 02557  
(508) 693-3453  
FAX (508) 693-7894

MINUTES OF APRIL 12, 1990

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, April 12, 1990 at 8:00 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Stephen Bernier  
Cronig's Market  
P.O. Box 698  
109 State Road  
Vineyard Haven, MA 02568

Location: State Road  
Vineyard Haven, MA

Proposal: Addition to an existing market qualifying as a DRI since the floor area is greater than 1,000 square feet.

Robert T. Morgan, Sr., Chairman of the Land Use Planning Committee, (LUPC), read the Cronig's Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Greg Saxe, MVC Staff, to make his presentation.

Mr. Saxe reviewed the location, major aspects of the proposal, existing conditions and staff notes using wall displays for reference. Correspondence was also reviewed. (Staff notes and correspondences are available in the DRI and meeting file). Mr. Saxe then answered questions from the Commissioners.

Ms. Colebrook, Commissioner, asked if the proposed Nobnocket Market Traffic Analysis is detailed with this traffic analysis report? Mr. Saxe responded no. They are incorporated by reference but not directly incorporated into the traffic generation numbers.

Ms. Greene, Commissioner, asked where the police office would be located to direct traffic? Mr. Saxe stated that no specific proposal has been worked out. The applicant has expressed a willingness to work with the Town and whatever committee they establish to study this corridor.

Mr. Sullivan, Commissioner, stated that at one point the Chief of Police stated that he recommends 1 site access so there would only be 1 control officer on 1 access instead of 2 accesses. Have we received

any further comments from him? Mr. Saxe responded we have received nothing in writing. I also remember this discussion from a LUPC meeting and it concurs with McDonough & Scully's recommendations.

Mr. Schweikert, Commissioner, in respect to off-site improvements recommended by Atlantic Design Engineering (ADE), the reconfiguration of the State Road/Vineyard Haven-Edgartown Road, is there any more information on that? Is it something they suggest should be looked into? Mr. Saxe stated that is a suggestion for the corridor study. That is by far where most of the accidents occur due to the offsetting of the two roads coming into Vineyard Haven Road. Mr. Schweikert asked, but there is nothing specific? Mr. Saxe responded no, except that McDonough & Scully (M&S) point out that they would need to analyze the type of accidents.

Mr. Early, Commissioner, stated that M&S comments regarding the method of trip generation stated that it wasn't very good but it didn't really matter because the Level of Service (LOS) on the road was at such a poor state now. Could you explain that. Mr. Saxe stated in general they concluded there were a number of things about the study including that some of the diagrams were not very well labelled and the way they came about the traffic generation numbers drastically understated the figures. M&S pointed out that you would need more accurate analysis to design improvements. They also suggest that the applicant participate in the design of the improvements. Mr. Early stated that the message he got was that there were some flaws but the conclusions are not that far off? Mr. Saxe stated that their conclusions about the way the roadway functions aren't that far off but their conclusions about the numbers on the road are low and therefore when you get into specific turning counts they would also be inaccurate.

Mr. Sullivan asked, am I to understand there will be runoff going offsite? Mr. Saxe stated that the Sun Island Storage facility in the back of the site has capacity for this drainage. At the time of their construction some of the runoff from the parking lot was going back there in addition to the roof and this area. All the drainage from the parking and the roof will be handled on site. Only rain that falls directly on this back area will go into offsite systems. There are several catch basins within the access/egress on Colonial Drive and also on Colonial Drive itself. That is probably where the biggest pool exists.

When there were no further questions for Mr. Saxe, Mr. Morgan called on the applicant to make his presentation.

Mr. Steve Bernier, applicant, thanked Mr. Saxe for a detailed presentation. He then introduced his wife Judy who shares in the project and the business, Doug Hoehn, Schofield Brother, Sanford Evans, landscape architect, and Jim Borreback, Atlantic Design. They will give you some more detail on what Mr. Saxe presented. He gave a history of his ownership and decisions to expand the store. When we initially began discussion of an expansion we tried to approach, and Mr. Borreback tried to deal with it also, how big the addition should be in relation to the parking so this project was balanced on the

outside as well as the inside. I think that has been achieved. He discussed the parking configurations and the reasoning behind this configuration. (Parking is discussed in more detail by Mr. Hoehn during his presentation.) He stated that Mr. Saxe eluded to the fact that there is permission needed relative to doing the drainage on Colonial Drive. I have tried to acquire someone's permission to do this. To date there is no organization, no committee, no group entity that I can communicate with to do that. I am very willing to do that but I don't know if my attorney thinks I am too much at risk doing that kind of work on property that is not my own. I am inside the walls of Cronig's anywhere from 60-70 hours per week and I listen to most of you all the time about what is going on inside of there. I think what we are talking about physically inside of the lot will help resolve and smooth out problems and put the emphasis on the produce and so forth. When I look at the checks that I cash every week, and there are a ton of them, they come from all over the Island. My point being that I think we are coming from a position of strength. That is, we are not cleaning up a dilapidate business that is on the downswing, or dormant. The business is healthy and I am very thankful to my customers that I am in that position. I don't see how what we are proposing here, in this proportion, is going to cause much degree of increased traffic. The purpose of doing this is there are 2 large commercial lots that have no drainage, the lighting isn't right, the landscaping needs to be cleaned up and improved. Is there going to be some residual effect to the business? I hope so. Is it going to be much different than what is there now? I don't know whose winter traffic counts, peak this and holiday weekend that, we are talking about but in layman's terms with stuff I can relate with, if we increase the customer count in that store by 3-5% in the next twenty four months after that project is done I think we will be doing a lot. Relative to the comments about the police officer and where does he stand, Police Chief McCarthy's comments to me were simply, just looking at my piece of the pie he would like to have everything coming out at his fingertips. I said to Police Chief McCarthy, yes you are right but by doing what you are saying you are going to cause more traffic congestion sooner and more often by taking that posture versus the spreading and smoothing and natural flow of this plan. He was in general agreement that yes I am technically more right. So do you want to go technical or deal with the issues the way they appear on this lot? That is the question we have to answer. I choose to go this route. Relying on a summer cop in July and August to handle issues out front that we have accentuated to some degree with what we have chosen is not a posture I am not comfortable taking. He then introduced Mr. Doug Hoehn, Schofield Brothers.

Mr. Hoehn stated that they did the onsite survey and engineering for this proposal, and prepared the plans. As quite often happens in these hearings, Mr. Saxe has basically done my presentation for me, and very accurately I might add. I had a list of stats on the size of the building existing, proposed etc. I will skip that except to say that in a straight statistical and numerical term the addition, footprint wise is approximately adding about 30% to the size of the footprint. As Mr. Bernier has mentioned we don't believe that the increase in his client base is going to be proportionate to the size of the increase of the footprint. I can touch a little bit on

Colonial Drive. Colonial Drive is a private road, technically it starts on State Road and ends slightly after this property and becomes a road that is part of the subdivision back there that is called Lantern Lane. This property that Mr. Bernier owns now in total comes from a number of different pieces. The bulk property that Cronig's is on was a DRI here in 1979. Prior to the subdivision actually being created, I believe in 1970, this 40 foot way existed already. It goes back to 1964, at least, which is the date that Mary Counoyer granted the rights to the use of this road to the owner of the Cronig's parcel at that time. The wording was to the effect that, I grant you the right to use the 40 ft. way on the westerly part of the property for the purpose to which public ways are used in the Town of Tisbury. So yes, we feel very confident that we have the right to use this road. There being no other provisions for anybody in the way of maintenance to consider on that road, yes we feel we have the right to improve the road too. That is as far as we can tell and until someone says otherwise that is the story on Colonial Drive. We were involved with getting approvals for septic systems and drainage systems etc. As was already stated, the septic system was designed and approved in 1982. It was oversized by well over 70% and now when you go ahead and figure even with the addition and Tisbury's 40% excess etc. the system is still approximately 50% oversized. We went to the Board of Health back in August with a letter detailing our meter readings, how we came up with our flow existing, how we came up with our flow proposed and asked the Board of Health is the septic system adequate? They said yes. The Board of Health has no permit to give except to say that it is adequate. So we are done with the Board of Health as far as I know. So the system that exists there is adequate for the existing building and the existing building plus the addition. The drainage system has been noted there is no on-site drainage provisions at present. There is a gradual slope with everything flowing to the rear. If you stood near the rear right now in a rain storm you would see how much the water flows here. The water rushes past the building and heads down a little grass embankment into Sun Transport's parking area. Sun Transport, in the process of doing their drainage a few years ago, oversized their drainage system to accommodate that since they were the ones expanding at the time. What we are proposing to do here, to the extent that is possible, is to provide on-site drainage, and even some off-site drainage, to take care of the water that flows on the site. The entire parking lot out front and on the side will be served by underground drainage which is pretty extensive and will require repaving of the site. We are proposing 6 enclosed catch basins and 14 leaching basins of approximately 12 feet deep by 14 feet wide. That is a lot of drainage and is based on a 25 year storm design. There is an area in the back of the store that is covered by utilities, septic system and major electric lines. He showed the location on the wall display and stated that it is approximately 4-5% of the entire site. It is not feasible to put an underground drainage system in at this point in time. We are proposing, notwithstanding that Sun Transport drainage is designed to cover that anyway, that the grass embankment back there probably absorbs a third of the drainage back there. The water hits this grass embankment, rolls along it for a while and starts drainage into the catch basins back there. Because of the large volume of water flowing through there it gets rutted. After this is all done there will only

be a small area that is not covered by this drainage system. We will replant and revegetate this embankment to stabilize it. It should take care of any rainfall that is back here. There is no construction proposed back here. Colonial Drive is being taken care of with 4 catch basins and 4 leaching basins. They are situated in the rear area but they have to cover a large amount of drainage which comes from State Highway, the Commercial development, etc. It is a safety hazard in the wintertime when the fringes of the puddle freeze up. It is a general nuisance the rest of the year. As part of our proposal we will improve that. I believe, as per Jim Borreback's suggestion, we are proposing to increase the width of Colonial Drive so it will be easier to berm it. We will increase it to 16-18 feet so it is passable in two directions. Regarding the parking, we are dealing with an existing site and existing building which obviously possess constraints as to what we can and cannot do design wise. This parking area was laid out trying to use the existing philosophy of the parking area as Mr. Bernier said. When you enter this site at either access you are looking gradually down upon a large expanse of parking. What we tried to do in this system was create sort of a branching pattern. A branching pattern so you could come in and make a choice, because of the topography, because of the landscaping, you have a choice of which way to go and hopefully can pick out your parking space quite quickly. If not the aisles are wide enough so you can pass two ways. One of Bill Scully's critics dealt with aisle widths and parking stalls and somewhere in the staff notes there was a suggestion to increase our aisle widths and decrease our parking space size. We did that in one of our revisions. Where there are aisles between 2 rows of spaces they are now 22 feet wide which makes it more than adequate for two cars. The other thing is, Bill Scully talked about a 19 foot wide stall width and a 16-18 foot aisle width. If you add the numbers up you come up with an overall module of anywhere from 54-56 feet. If you add our proposed number you are going to have 17, 17 and 22 or 56 feet. So we have the same size module, just configured differently so we can pass two cars in the event you come down one of these and the parking space isn't there. Mr. Bernier has gone into the issue of hoping that people will choose their parking based on whether they will be exiting to go up or down Island. Mr. Evans will discuss how his landscaping plan fits into this. This is a State Highway and therefore any alterations to the curb cut requires DPW curb cut permit. We applied to DPW last August. They sent back a marked up plan that dealt with changing the radius to their standards. We changed them, sent it back to DPW in January, on January 23rd we got the DPW permit back. There are some conditions but they are standard conditions. Unfortunately the permit they sent back had the exit and entrance in the wrong place. We thank Bill Scully for pointing that out. It was totally unintentional, supposedly, on the part of DPW. What happened was that I sent them an existing condition plan that shows the exit as it is now and a proposed plan that shows the exit and entrance swapped and they got them mixed up. I called DPW up immediately after Mr. Scully brought this to our attention. I talked to them and they told us that they were sending us a letter which states that the DPW permit stands as is and that for their records the entrance and exits have been swapped. I have not yet received that letter. I have called them a 1/2 dozen times as recently as yesterday and I have been told that the letter is coming. The other issue dealt

with the Mass. Environmental Protection Agency (MEPA) process. There was a question here of because of the size of the store, the basement areas and the required DPW permit, the MEPA process applied here. It was basically a question of the definition of what gross square footage was and whether it included basement square footage. On calling MEPA we got conflicting answers so we wrote a letter to a woman named Janet McCabe, Assistant Secretary of Environmental Impact Review of the Executive Office of Environmental Affairs (EOEA) who oversees MEPA. She sent us a letter back about a month ago, the Commission has a record of it, which stated that she has reviewed it and we didn't fall under MEPA's guidelines and therefore are not required to prepare and Environmental Notification Form (ENF). So MEPA has been taken care of and DPW has been taken care of and I think we are all set there. The only other thing I want to touch on is we originally filed this with both the MVC and the Tisbury Planning Board on August 23rd of last year. Basically the major time delay has been going back and forth with the traffic report and things like that. We have gone to the Tisbury Planning Board. They don't have an approval function. They have a site review function. They report back to the Building Inspector with what they call an acceptance. We submitted formal plans to them back in October. They did not want to formally accept until the Commission review was done and anything that came out of the public hearing was taken care of but to my knowledge they have no problems with our submittal other than what we have been talking about today. No formal acceptance has been given and it won't be given until after this process has been completed. Mr. Hoehn stated he would be happy to answer any questions when all applicant presentations are completed.

Mr. Sanford Evans stated that he is landplanner and landscape designer for this project. He stated that he has worked with Matt Tobin of Tea Lane Nursery on the selection of plants for this project. I have provided to the staff a list of goals and solutions to problems that we identified as the landscaping proceeded. This design was not laid on top of a finished parking plan. It was very interactive throughout the process. There has been a good deal of comment about the parking pattern because it is a little unusual in parking lot design. But Mr. Bernier's experience is that it works very well. One of the things that I noticed is that essentially the pattern uses the same logic as a tree does in distributing nutrients. It is a branching pattern. The reason why nature uses that is because it is the most efficient way, the shortest distance from the roots to the leaf, or in this case to a parking stall. What you have to do is be able to see to make this work. That is an important aspect of the landscape design. As you enter you need to be able to see fairly clearly where the openings are and go to one. Over the months we looked at this and it works very well and you very seldom have to use the double aisle. The exception is this back aisle, it allows you to loop around naturally so it is not all double. In front of the store is a single and that is again for safety. Now the major concepts in the planting plan are first of all to effect the sense of the site in terms of what we call microclimate, reducing the glare and heat. When you plant trees there is a certain scale that is practical so naturally it takes a little while to achieve the full effect. But even in the early plantings because there are sixteen trees involved that are fairly good size, 14

ft., you will already start to have an impact, start to feel cooler because of the green and the added foliage. The plants need to be arranged in such a way that the parking spaces, pedestrians, and traffic are easily seen. We chose native Island plants or plants that are traditionally found in Vineyard Haven to maintain the Island character. There is a rhythmic pattern on the 100 ft. side wall. The species are varied from short to tall, with contrasting colors and seasonal variety. The plantings are done from a year round perspective so it will be attractive all year long. Another thing that we must consider is what will live in this microclimate. The idea is to use native stone along this wall and also in the raised beds to get a natural look. This will also discourage the trampling of plants by pedestrians. We have gone into a lot of detail even though we had a limited area to work with. Shrubs are shown to border the property belonging to Vineyard Electronics. We will be overcoming the draughty soil by creating organic beds. A procedure we have used for years. We are striving to maintain year round bloom and color. I hope it will be enjoyable for all to see.

Jim Borreback, Atlantic Design Engineers, presented the information on the traffic analysis. He briefly reviewed the initial report that was submitted to the Commission and some of the things that have been done since receiving the comments from McDonough & Scully to respond to their concerns. The scope of the study was per the MVC requirements. We looked at an area from the State Road/Edgartown Road intersection up to Colonial Drive. There were 8 main components of the study that we conducted. There was a traffic counting program. We counted intersections both manually during peak hour conditions and State Road using a 24 hour mechanical count. We then projected future conditions without consideration of our project. Basically those include background growth, normal growth that is expected to occur. Other projects we included in the site specific review were the Nobnocket project, the Edgartown National Bank project and potential future residences back off of Colonial Drive. We then took those volumes and added into them the volumes that we expect to be generated from the project site. We did our calculations using the Institute of Traffic Engineers' (ITE) report on trip generation. They were showing about a 10% or so volume increase for this expansion. We felt that was reasonable based on the comments by the proponent and therefore we did use them in the initial report to do our analysis. We then looked at the intersections in the study area and did an analysis to determine the operating conditions and this is called a Level of Service (LOS) analysis. It ranged from a LOS "A", which is a very good LOS, little or no delay, down to a LOS "F" which is fairly extreme congestion. We also looked at the way the State Road would operate. Were we trying to put more traffic on the road than the road could handle irrespective of any issues with the intersection? We also reviewed the site design and I think that has been adequately handled by Mr. Hoehn. We also went to the Police Department and obtained accident reports over a 3 year period, 1987, 1988, and 1989. We did a location map of where they occurred and there is more detail on these in your report. Then we looked at developing some mitigation measures in terms of helping out the site design and most of those have been made to date and covered by Mr. Hoehn and Mr. Saxe. We also looked at Colonial Drive. The gist of the report is that we did find that this

road, given the other additional projects that are to be constructed, is going to start operating at or close to capacity by 1994 with or without the expansion of Cronig's market. The primary area that we are concerned with is the Edgartown Road intersection for two reasons. It started operating at failure conditions under existing volumes. So if you look at the plan showing where the accident locations occurred about 1/2 of the total accidents on State Road between that intersection and West Spring St. occurred at the Edgartown Road intersection. So that is the area that we felt was of primary concern along this entire stretch. Under 1994 peak season conditions we did find that in general we were reaching capacity for a large area of State Road. We did go further and suggest that perhaps a more detailed corridor study is warranted. The report was submitted to McDonough & Scully and they did have a number of comments that have been addressed. He reviewed these comments and their reaction to them. One of the questions was why we counted on December 29th and 30th. We had been out at that site a number of times previous to that weekend. One of the requirements in our scope was to provide 24 hour mechanical counts at the site drive. So we had our traffic counters set up on the site drives. But because of the slow speeds of the cars going over our counters they weren't clicking our pneumatic tubes and they weren't working. So what we did was go back and do 12 hour manual counts for Friday and Saturday, basically during the operating hours of the store on the site entrances on State Road and Colonial Drive to essentially do that count. We also had some severe weather conditions in December which also caused some delay. When we got our results back and did our projects and compared them to some other volumes that were provided in previous studies we found our volumes to be at least equal or higher to volumes provided in previous studies. Generally when you do a traffic study you want to use the higher volumes for the worst case conditions. So we felt that using the volumes that we obtained on that weekend, being a holiday weekend or not, were reasonable and viable for us to continue to use them for the study. There was a comment in terms of the driveway adjustments and other adjustments made to get from existing to peak season. He also made a comment that we were looking at a December off-season condition and not an average condition and we have made adjustments to the numbers in the report and have done a reanalysis of basically the entire study area taking into consideration his comments. The other issue with trip generation is that we did go back into our numbers and calculate the new trips to be generated by the expansion on the existing vehicles using the site and we have taken and used the local trips in our new analysis. He gave some examples for comparison. In general what that indicates is that we weren't far off using ITE rates over the 24 hour period. Where we started to diverge from them is when we got into our peak hour conditions. We have accounted for the trip generation on a local basis in our new analysis. We went back through and did LOS calculations basically at the areas that we have studied previously. Basically what we found is that there would be some reduction in LOS due to the additional trips counted using the local process. But in general the results of our analysis remain the same. Edgartown Road intersection is still the primary concern and we have a concern about the entire roadway as of 1994 peak season conditions. In general our findings were the same. The numbers are a little bit different. He submitted the revised analysis.



Mr. Morgan then asked if there were any questions from the commissioners for the applicant.

Mr. McCavitt, Commissioner, asked Mr. Borreback if they included in their mitigation recommendation a traffic control officer? Mr. Borreback responded no. Mr. McCavitt asked, so you didn't come to the conclusion that this was necessary? Mr. Borreback stated that we didn't come to that conclusion. But Mr. Bernier has indicated, and we certainly wouldn't be against having a police officer out there. Mr. McCavitt asked in general in doing these traffic studies you used ITE standards, do other organization have standards that you could use? Mr. Borreback stated that in general ITE is the handbook when it comes to traffic. There are other organizations that have similar standards in other cases but traffic is generally ITE. Mr. McCavitt asked do they have any standards that say when traffic gets to a certain rate of failure that a traffic control officer is a solution? Mr. Borreback stated that generally a traffic control officer doesn't really improve the capacity of an intersection. When we do a LOS we are talking about a capacity. How many people are trying to use the intersection versus what the capacity is. A police officer really can't increase the capacity of an intersection. What he does however is allow the people back in the property to get out of there without coming into conflict with the through vehicles thereby improving safety. So a police officer, in my mind, is more of a safety factor than an improvement in the actual LOS. Mr. McCavitt then asked why would such a control officer be recommended as a mitigation? Mr. Borreback stated that what happens when you are sitting at an intersection and you wait and wait and wait is that you take your first available opportunity to get out into the road. You may not have enough space to do that but you are so fed up that you just enter out into the traffic and there may be safety problems. The traffic officer, by allowing you to move out more freely onto the roadway would help to improve safety primarily. Mr. McCavitt asked is it safe to say, from a layman's point of view, that such a condition would constitute failure conditions? Mr. Borreback stated that generally when a road reaches failure conditions there is too much delay, too much congestion and there are safety considerations when you look at a LOS "F". Mr. McCavitt stated that he is questioning this because police officer control has been suggested at 2 other locations on State Road probably within visual distance of this proposal. Mr. Borreback stated that one of the things that we did suggest is an overall study to look at the entire area to develop mitigation measures for all these intersections rather than a somewhat limited study that we have done.

Mr. Filley asked Mr. Bernier about his statement that he thinks his customer base will increase by only 3-5%, can you acquaint that to some numbers? Mr. Bernier stated that the weekly customer count off-season for the last few months has been 6-7,000 customers per week. In the summer time I think it is more an issue of the weather and doesn't have anything to do with any traffic studies you could ever imagine. When the sun is out they are at the beach. At the end of the day or when it rains they go shopping. That is when those numbers go out the window. Is there concern with whether I would cooperate

with the need for a police officer out on State Road? There is no doubt in my mind that if this issue arose to the point that someone felt, either myself or a customer, that something should be done out there, I don't think it would be necessary for Police Chief McCarthy to come out and tell me that my parking lot is backed up and they can't get out onto State Road. We would react to that situation if it occurs in the course of our business and serving our customers.

Mr. Schweikert, Commissioner, asked for a point of clarification. Will you be improving Colonial Drive? Mr. Hoehn responded yes. Mr. Schweikert asked didn't Mr. Bernier say there was concern that legally he wasn't sure if they had the right to do that? Mr. Hoehn responded that the concern that we had from the beginning, that we think we have resolved is, this is a private road that was created years ago. These days if this road was created there would be all sorts of document that were created with it that states what you specifically have the right to do. Whereas this was created in the 1950s or earlier as far as I can tell, there is no such documentation. What does exist is wording in the actual easement language that says we have the right to use that road for the purpose that public roads are used in the Town of Tisbury. There are no documents that say we can or cannot make improvements. Mr. Bernier added that he doesn't see why anyone would react to improvements over the current situation of pot holes, puddles, etc. He stated that this probably is in the vicinity of a \$3,500 package that has been offered. I can't understand why anyone would disagree with the intention. Those are my mitigations measures in relation to the increased traffic on that road.

Ms. Bryant, Commissioner, asked if they know the maximum number of units that can use that road? Mr. Hoehn stated that the subdivision is basically built out.

When there were no further questions for the applicant from the Commissioner, Mr. Morgan called for town board testimony. There was none. He then called for testimony in favor of the proposal.

Mr. Jim Rothschild stated that it is important to consider that Mr. Bernier has also bought the up-Island market. There are bound to be a great many of his current customers who will start using that market and you will have some percentage of relief on State Road in the area of the market. I think it is something that is worth considering that he is spreading his business. I know a lot of the people who live up-Island and will be utilizing that market since you will have the same goods and the same prices. This is something that is not technical but should be considered.

Judy Miller, Tisbury resident, stated that Mr. Rothchild has just mentioned one of the factors that I thought was crucial. I think it is clear to everybody that State Road is in very serious trouble and will continue to get worse. Anytime you have any expansion or any new commercial development at all on that Road it is obviously going to exacerbate the situation. As long as you have growth you are going to have problems and the consequences of this growth. On the grounds that this has to have the same ad hoc, individual analysis or evaluation that the Commission has given all the other project that have come

before it, the Edgartown A&P, the Edgartown National Bank and so forth, there are a few factors that I myself try to be objective about as someone that is going to be using that facility and impeded by traffic like everyone else. Mr. Rothchild has mentioned what I think might be the most important. In the wintertime and off-season it really isn't going to matter that much. In the summer it is very hard to imagine that up-Islanders wanting to shop for food are going to come all the way down into traffic in Tisbury to get the same things they can get at the same prices and the same brands. However maybe not quite the same variety but in the summertime that isn't quite as important. I think that you may see a certain balance there of new traffic being engendered that will make the situation worse and offset by losing some of the traffic that would normally come down. I believe the expansion of the A&P in Edgartown is going to keep a lot more Edgartownians shopping in their own town. The loss of the downtown Cronig's may have some impact but I'm not positive because most of the traffic there is walk in traffic, local people. It seems to me that they will be walking to the A&P rather than driving through the Tisbury traffic to get to Cronig's. State Road at least at this location is straight. The lines of view are very clear in both directions. There aren't any curves and you don't have the same kind of danger you would have at either the Edgartown National Bank site or Nobnocket. Again the market is not within the Zone of Contribution (ZOC) of either of the municipal wells, Tashmoo Springs or Tashmoo Lake so there shouldn't be any environmental problems. Mr. Bernier is increasing the meat rendering situation and we should look at that very, very carefully. Finally, because it is in the center of an existing commercial district, it isn't going to change the neighborhood character or lessen property values. Certainly to the degree that this would happen at either end of the district. If it is possible to negotiate such an agreement I would suggest and I feel it would be important that any new sales space wouldn't introduce any new services that would affect local small business, such as garden supplies, in store bakeries, books, video cassettes, etc. Given Mr. Bernier's history of cooperation I imagine it could be done. I hope the Commission will work with the Town and hopefully the State concerning better answers to the main road and the effects of growth.

Mr. Tom Counter, Tisbury resident, stated that he uses the market and thinks the offer to resolve issue on Colonial Drive and improve it will benefit this and surrounding businesses as well as the residential subdivision. This should weigh very strongly in favor of this proposal. I cannot see how the added dimensions of the building are going to, by themselves, generate huge numbers of people. Perhaps the parking lot will but I have never been in there, summer or winter, when I couldn't park so I don't see how this would greatly affect traffic.

There were no other proponents who wished to give testimony.

Ms. Bryant asked there is an increase in the labor force projected, how do you plan to deal with the increased need for housing? Mr. Bernier stated probably by paying them well, giving them good benefits and giving them year round jobs. I deal with housing issues with my people and have for the past 4 1/2 years. I don't see these new people any differently. In a more formal approach that I think you

are suggesting, I haven't dealt with that. If you talk to the people who work for me you will find that I deal with that issue at our level. He gave an example of a woman who lived in Mashpee and how they had found a lot for her in Edgartown, built a house and when she sold her house in Mashpee she paid us back. We handled that in house and she is now living on the Island and happy. Ms. Bryant asked if most of the employees are typically Islanders? Mr. Bernier stated that the summertime employees are typically summertime college students.

Mr. Morgan then called on testimony from opponents. There was none. He then called for testimony neither for nor against the proposal.

Mr. Burton Engle, Chilmark resident, stated that he shops at Cronig's and is in favor of their expansion but there are a few questions that may not have been fully addressed. If Colonial Drive is such a short drive it seems to me that the abutters could petition for a Town taking of the road and in that case it would be built to Town standards. I am just wondering if a 20 ft. road, particularly when we are talking about increased traffic, is as efficient as maybe a 22 ft. road. I don't presume that anybody would start building a road without talking to the Town but it either should be a Town road or built to Town standards. Mr. Bernier stated that he would love to have the Town take care of that issue. But I agree with his comment that before anything happens there I should concur with Town officials in charge of the roadways to get their input to see that the job is done right. We will do that. Mr. Engle continued that he objects to the two way traffic within the parking. I think that if the traffic were carefully considered in a one way pattern, it would still allow plenty of circulation in there. It would then be possible to have a 6 ft. wide planting strip down the middle where a tree to shade the area could be planted. To my mind, trees are far more important than ornamental planting in a situation like this. It is very important that people be able to leave their cars without coming back to find that the upholstery is melted or the dog is dead. I would like to see an alternate plan that shows one way traffic which is going to work much better if you have angled parking and you have cars going the wrong way they are not going to be able to use the parking anyhow.

Mr. Michael Putzinger stated that he owns the property known as Nobnocket. I am generally in favor of commercial development along State Road and this expansion but I am concerned with the inconsistencies in the traffic study between this proposal and my prior proposal for the bank/supermarket prepared by Vanesse-Hagan. There are a number of technical issues with regard to the traffic study that lead me to confusion as to what the right numbers are, when the right time to take counts is, and which numbers are high and which numbers are low. When we reviewed the traffic studies for this particular proposal, in general it seems that the numbers site specific to the Cronig's Market are low and the numbers for State Road as a whole seem a little high. For example, the ITE numbers used in projecting what the traffic would be in 1994 include as a base the development of my site with both a supermarket, the bank office building and the 7,000 sq. ft. drive-in bank and include for Cronig's

as it now exists a number which is lower than the actual count number now shown. I am not a traffic engineer and there may be a good explanation for why this methodology was used but I find it confusing. I am concerned that we use a common base both for this development and future development on State Road. I am also concerned with the lack of an Environmental Notification Form (ENF) for this project. I understand that there has been correspondence that leads to the conclusions that an ENF isn't needed or appropriate but as I read the regulations and the size of the building as a whole that doesn't seem clear to me at all. I think there are shared environmental concerns that make it appropriate to look at whether or not an ENF and an Environmental Impact Report (EIR) are appropriate. Another concern I have with regard to the expansion is the calculation of parking as compared to the level of parking that we feel is appropriate for our proposed development. While this is technically in compliance with zoning it is right on the edge and the configuration is novel and perhaps it works generally, but in peak conditions I am not certain that it does. That speaks to a concern that I have for shared obligation, shared mitigation on State Road and an effort for consistent and cohesive mitigation efforts. So while I support commercial development along State Road and feel that further landscaping along this area would be a positive thing and the improvement to the turnoff on State Road would be a positive thing I am not sure it goes far enough. I feel that the parking is very inconsistent and would like to request that the hearing stay open at least for the purposes of allowing my traffic engineers to comment in writing regarding their concerns with the study that has been provided so that perhaps we can form a consensus based on what exists now and what will exist in the future. I think Vanasse-Hagen provided some pretty good data that wasn't utilized here and I would like to see them speak to what was presented here. Finally I would like you to consider the appropriateness of the lack of ENF in relation to the conditions that were imposed on my prior development and presumable on my present development.

Mr. McCavitt asked if the MEPA correspondence was in the DRI file? The response was yes.

There was discussion regarding continuing this hearing for 2 weeks. There was consensus agreement to continue this hearing.

Mr. Bernier stated that he would be out of town on the 26th and requested that the hearing be continued for 3 weeks.

This was agreed by the Commission. At 10:03 p.m., the hearing was continued to May 3, 1990.

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Following the close of the public hearing, Mr. Filley, Chairman, opened the special meeting of the Commission and proceeded with agenda items.

ITEM #1 - Chairman's Report

Mr. Filley introduced Mr. Carbonel, Chairman of the newly formed Cape Cod Commission and asked Commissioners to introduce themselves during the recess.

Following a short recess Mr. Filley reconvened the special meeting of the Commission and proceeded with agenda items.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of March 29, 1990 and April 5, 1990

It was motioned and seconded to approve the draft minutes of March 29, 1990 with the following correction: Page 14, 4th paragraph should read Gay Head Planning Board not Gay Head Zoning Board of Appeals. This motion passed with no opposition, 2 abstentions, Greene, Lee.

It was motioned and seconded to approve the draft minutes of April 5th. This motion passed with no opposition, 3 abstentions, Ewing, Early, Jason.

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Chairman of LUPC, reported that LUPC had met on April 9th and discussed the Leland Subdivision DRI and the Adler/Spring Cove Realty Trust DRI. There was lengthy discussion among the Commissioners on the Adler/Spring Cove Realty Trust DRI. It was agreed that while everyone would like to look at the road in this DRI it can not be reviewed until a permit is applied for and it is referred as a DRI or unless they request a modification of the previous DRI Decision. It was decided to send letters to the West Tisbury and Tisbury Conservation Commission reaffirming our stance.

Mr. Morgan then reported as Legislative Liaison by updating Commissioners on the status of House Bill #2743, moped bills and the M.V. Regional High School bill.

Mr. Early, Chairman of Planning and Economic Development, reported that they would schedule a meeting for next week and inform members of the specific date and time.

Mr. Ewing, Chairman of the Edgartown Ponds DCPC Committee, reported that they had met last week and granted an exemption for a single family dwelling. He stated that all exemptions granted conformed to the draft regulations. He then stated that Edgartown voters approved the regulations overwhelmingly at the town meeting.

Mr. McCavitt asked if there were any changes made to the regulations as a result of the public hearing? The response was no.

Mr. Fischer, Chairman of the Gay Head Cliff Area DCPC, reported that they will be scheduling a meeting next week and would inform members of the exact date and time.

Mr. Filley then turned the gavel over to Jim Young, Vice-Chairman, and removed himself from the table for the next agenda item.

ITEM #5 - Discussion - O. Stevens and Timothy Leland DRI, Chappaquiddick

Following a review of the proposal by Greg Saxe and a summary of correspondence there was discussion among the commissioners which is summarized as follows: access by shellfishermen to the Pond, soil conditions in relation to septic capabilities, provisions for guesthouses, the barrier beach property and its management, and the possibility of increased fees relating to public access to this beach. (Correspondence is available in its entirety in the DRI file).

ITEM #6 - Possible Vote - O. Stevens and Timothy Leland DRI, Chappaquiddick

It was motioned and seconded to approve this DRI with the following conditions: no further subdivision; installation of a deep observation well; Conservation Commission approval of house sites, design and height; prohibit chemical fertilizers, herbicides and pesticides and installation of water saving devices.

There was lengthy discussion among the Commissioners regarding the conditions for this approval. Following this discussion the motion to approve with conditions was amended to include the following conditions: chemical fertilizers, herbicides and pesticides is prohibited; the applicant shall establish a surface water testing program for the Pond at the expense of the applicant and/or the homeowners association; utilization of water saving devices in the dwellings; installation of a monitoring well and monitoring program based on specifications from the Board of Health and MVC; encourage the use of biodegradable cleaning products; prohibit further division or subdivision; Conservation Commission approval of house sites, design and heights; and MVC review of the management plan for the 108 acre barrier beach parcel.

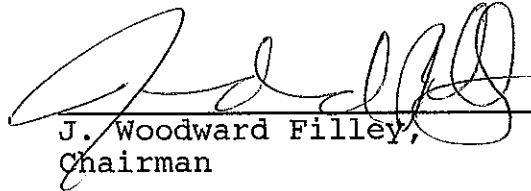
The amended motion passed with a vote of 13 in favor, 0 opposed, 1 abstention, Fischer.

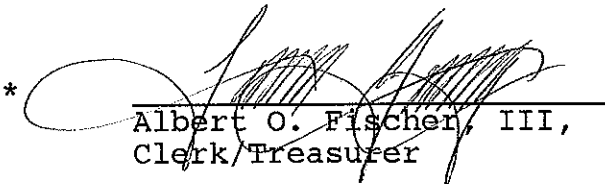
ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence - There was none.

The meeting was adjourned at 11:37 p.m.

ATTEST

 4/19/90  
J. Woodward Filley, Date  
Chairman

\*  4/19/90  
Albert O. Fischer, III, Date  
Clerk/Treasurer

Attendance

\* James Young, Vice Chairman, signed in  
Mr. Fischer's absence.

Present: Bryant\*, Colebrook, Early, Eber, Ewing, Filley\*\*, Fischer,  
Greene, Jason\*\*\*, Lee\*\*\*\*, Morgan, Schweikert, Sullivan, Wey\*\*\*\*\*,  
Young, McCavitt.

Absent: Sibley, Allen, Geller, Harney, Davis.

- \* Ms. Bryant arrived at 8:09 p.m.
- \*\* Mr. Filley was not present at the table during Item #5 & #6.
- \*\*\* Mr. Jason was not present at the table during the Cronig's  
Public hearing.
- \*\*\*\* Mr. Lee arrived at 8:03 p.m.
- \*\*\*\*\* Mr. Wey left at 10:15 p.m.